



Business Emergency Plan

Reporting Requirements

California Health and Safety Code Chapter 6.95 and California Code of Regulations Title 19 Division 2 Chapter 4 Article 4 contain the minimum standards for business plans. These regulations require businesses to provide emergency response plans and procedures, training program information, and a chemical inventory disclosing hazardous materials stored, used, or handled on site.

A hazardous material is defined as any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or the environment.

A business with hazardous materials or a mixture containing hazardous materials shall establish and implement a Business Emergency Plan if the hazardous material onsite is in quantities:

- (1) equal to or greater than 55 gallons, 200 cubic feet of gas, or 500 pounds, or
- (2) equal to or greater than the federal threshold planning quantity (TPQ) for an extremely hazardous substance (EHS) listed in Appendix A, Part 355, Title 40, of the Code of Federal Regulations.
- (3) radioactive materials that are handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1), of Chapter 1 of Title 10 of the Code of Federal Regulations, or pursuant to any regulations adopted by the state in accordance with those regulations.

Exemptions:

- (1) Oxygen, Nitrogen, and Nitrous Oxide maintained in a medical office in quantities less than 1,000 cubic feet of each material is not reportable.
- (2) A gas for which the only health and physical hazards are simple asphyxiation and the release of pressure and the quantity is less than 1,000 cubic feet, is not reportable. Carbon Dioxide (CO₂) meets this exemption.

The intent of the Business Emergency Plan is to assist in mitigating a release or threatened release of a hazardous material and to minimize any potential harm or damage to human health or the environment. Emergency responders use the information provided in planning for and handling emergencies involving hazardous materials.

The Newport Beach Fire Department uses an internet based submittal program which we believe is a much easier and faster process for your business.

A user name and password can be obtained at the following website: <http://www.esubmit.ocgov.com>. The password will be sent to your email address and may take up to a few days to receive.

Once you have a password, login at <http://www.esubmit.ocgov.com> to complete your Business Emergency Plan. The **Business Emergency Plan (BEP) Electronic Submittal Instructions** will assist you with completing the forms.

If you require assistance, contact Nadine Morris in the Fire Prevention Division at (949) 644-3105 or nmorris@nbfd.net.

Fees

Fees are for the recovery of costs to operate the program and are based upon the number of reportable chemicals used, handled, or stored by a business. The annual fee is included in the CUPA Annual Invoice issued by Orange County Health Care Agency.

Fines

Failure to submit disclosure information or falsification of documents will be subject to the following fines and penalties pursuant to the California Health and Safety Code Section 25514:

- Failure to disclose can result in fines of up to \$2,000.00 per day.
- Violations occurring after reasonable notice has been given can result in fines of up to \$5,000.00 per day.
- Violations can be punished by imprisonment in addition to the stated fines.

Verification of submittal information will be handled during the annual fire inspection and special verification inspections as needed.

Reporting Changes

California Code of Regulations Title 19 Section 2729.4 requires businesses to update their submittal within 30 days of the following events:

- A 100% or more increase in the quantity of a previously disclosed material.
- Any handling of a previously undisclosed hazardous material subject to the inventory requirements.
- Changes in quantity of a previously disclosed hazardous material.
- Change of business address.
- Change of business ownership.
- Change of business name.